

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12012 of 1999

Between:

M/s Bhavani Venkateswara Rice Mill
Narsapur village, Siddipet Mandal,
Medak district, rep. by its Managing
Partner T.Kondaiah.

..... PETITIONER

AND

1.The Chief Engineer Electricity,
Hyderabad Zone, A.P. Transco, Mint
Compound, Hyderabad.

2.The Superintending Engineer, Assessments,
A. P. Transco, Hyderabad.

3.The Assistant Divisional Engineer,
Operations, A. P. Transco, Siddipet,
Medak District.

4.The Assistant Divisional Engineer,

D.P.E. A.P. Transco, Sangareddy,

Medak district.

5.The Superintending Engineer, A.P.

Transco, Sangareddy, Medak district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Direction more particularly one in the nature of Writ of Certiorari calling for the records in Appeal No.31/97 on the file of the 1st respondent and quash the same declaring as illegal, and arbitrary and consequently direct the respondents to restore power supply to the petitioner mill vide SC No.379.

Counsel for the Petitioner: MR.P.GIRI KRISHNA

Counsel for the Respondents: SMT.M.VINOBHA DEVI,STANDING COUNSEL FOR APSEB

The Court made the following:

ORDER

Heard both sides.

The petitioner herein, who is running a rice mill seeks to assail the impugned proceedings of the respondents in making assessment with regard to certain allegations found during the course of inspection.

Briefly stated, the facts which are relevant to this case are that during the inspection conducted on 19-11-1996 it was found firstly, the meter box seal is found tampered and seal wire is cut, secondly the meter box is opened without cutting the seal wire and thirdly after opening, it was found that sealbit coming out freely from seal wire at left side bottom of meter cover and other seals are also found tampered. All these allegations clearly amount to pilferage of energy. Following the due procedure as contemplated, provisional assessment was made which was followed by issuance of show cause notice. Thereafter, in the final assessment, the amount was arrived at

Rs.9,79,157/-. However, in the appeal, the Appellate Authority having taken into consideration the various facts and circumstances, reduced the amount to Rs.5,75,879/- along with supervision charges.

Though several contentions have been urged on either side, but, however, the fact remains that the allegations itself constitute pilferage of energy. On consideration of the objections, the authorities have found that the petitioner is guilty of the same which is purely a finding of fact which cannot be gone into in this Writ Petition under Article 226 of the Constitution of India. Even with regard to the quantum of assessment, it is seen that the Appellate authority has given sufficient relief to the petitioner by reducing the same substantially. In view of the same, I do not find any error in this regard. Hence there are no merits in the Writ Petition.

Accordingly, the Writ Petition is dismissed. No costs.

23-12-2004.

Hsd

Asst. Registrar

To

1.The Chief Engineer Electricity,
Hyderabad Zone, A.P. Transco, Mint
Compound, Hyderabad.

2.The Superintending Engineer, Assessments,
A. P. Transco, Hyderabad.

3.The Assistant Divisional Engineer,
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